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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,027	09/24/2003	Michael C. Centers	TITUS-P001	7847
7590 10/07/2005 Fernandez & Associates, LLP PO BOX D Menlo Park, CA 94026-6402			EXAMINER MILLER, JONATHAN R	
			ART UNIT 3653	PAPER NUMBER
DATE MAILED: 10/07/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

*Office Action Summary*

Application No.

10/671,027

Applicant(s)

CENTERS ET AL.

Examiner

Jonathan R. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11, 14, 17 is/are rejected.
- 7) ☒ Claim(s) 12, 13, 15, 16, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11, 14 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Fry.

The reference discloses a first vibrating screen of at least 2 feet in width with means for classifying to less than about 3.5 inches compressed material from sub four inch news screen fines no larger than about six inches, and second vibrating screen of predetermined width comprising means for classifying to less than about one inch and an adjustable pneumatic separator portion comprising first air stream flowing up from below and second air stream being exhausted from above wherein the adjustable pneumatic separator classifies material from less than about 3.5 inches of sub four inch news screen fines into a heavy portion and a light portion (col. 2, lines 23+; col. 3, lines 1+). Based upon Applicant's disclosure and specification, Examiner contends that 6 inches is about 3.5 inches. Examiner contends that the disclosed pneumatic separator portion inherently generates a first air stream flowing up from below and second air stream being exhausted from above.

3. With regards to claim 14, the reference further discloses starting with sub four inch news screen fines compressed material no larger than about 6 inches, classifying to a first size less than about 3.5 inches, classifying to a second size less than about 1 inch, pneumatically separating with a first air stream flowing up from below and second air stream exhausting from

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above, and, inherently, adjusting the quantity of the first air stream and the quantity of the second air stream wherein the pneumatically separating step classifies sub four inch news screen fines material in to a heavy portion and a light portion (col. 2, lines 23+; col. 3, lines 1+).

4. With regards to claim 17, the reference further discloses a first vibrating screen that classifies to less than about 3.5 inches compressed material from sub four inch news screen fines no larger than about six inches, and second vibrating screen which classifies into a third portion to less than about one inch and transports a forth portion to a pneumatic separator and an adjustable pneumatic separator portion comprising first air stream flowing up from below and second air stream being exhausted from above wherein the adjustable pneumatic separator classifies the forth portion into a heavy portion and a light portion, wherein, inherently, the relative quantities of the first and second air stream are adjustable (col. 2, lines 23+; col. 3, lines 1+).

#### *Allowable Subject Matter*

5. Claims 12, 13, 15, 16, 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan R. Miller whose telephone number is (571) 272-6940. The examiner can normally be reached on M-F: 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (571) 272-6944. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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